EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
10/10/2020 01:27 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): October 11, 2020 – November 9, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has issued his SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Monday, November 9, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS a prior statewide order of Chief Justice Melton reimposed all deadlines and other time schedules and filing requirements that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended; and continued to suspend and toll 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 proceedings;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance constitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond pod system (hereinafter "pod"), effective June 15, 2020, to afford a criminal defendent the opportunity to appear before the court in a virtual capacity where said person does not have the technological resources to appear virtually without having to present him/herself in the courtroom;

WHEREAS the Clayton Judicial Circuit expanded the use of the pod, effective July 13, 2020, to afford civil litigants or witnesses in all levels of court the opportunity to appear before the court in a virtual capacity, where said litigant or witness does not have the technological resources to appear virtually without having to appear in court ("in court" in some instances may be a room, other than a courtroom, used by the court to provide court access to a witness, litigant, or member of the public, via virtual technology);

WHEREAS the Clayton Judicial Circuit has determined not to expand in-court proceedings beyond the use of the current pod systems, given the substantial spread of the COVID-19 virus;

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions;

WHEREAS the Clayton Judicial Circuit will continue to closely monitor the trend in the COVID-19 numbers reflecting the continued spread of the virus, while acknowledging that the services provided by our circuit are not limited to county residents;

WHEREAS the undersigned Chief Judge of the Clayton Judicial Circuit, upon the directive of Chief Justice Melton to all chief judges throughout the State of Georgia, did convene a local committee on resuming jury trials, after consultation with the District Attorney, Solicitor General, Circuit Public Defender, Clerk of Superior Court (Jury Division) and Chief Judge of State Court, among many others;

WHEREAS the undersigned Chief Judge of the Clayton Judicial Circuit, upon consultation with the District Attorney, Circuit Public Defender, and Clerk of Superior Court (Jury Division), among others, did convene a local committee on resuming grand jury; and

WHEREAS said local resumpton committees have been working to complete the tasks as provided in the directives of Chief Justice Melton and the undersigned Chief Judge;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the September 11, 2020 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the August 12, 2020 order extending the original March 18, 2020 Order, as subsequently modified) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on October 10, 2020 is extended through Monday, November 9, 2020 at 11:59 p.m., unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the pods, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that (1) use of the pod shall be limited to defendants that are not incarcerated or litigants who do not elect to appear virtually without having to appear in court or who do not have the technological resources necessary for virtual appearance; (2) only the defendant in criminal cases, one party to a civil matter or one witness in either a criminal or civil matter will be permitted to appear before the court via the pod; all other participants must appear via video-conferencing, except as determined by the judge in hearings related to a death penalty case or as approved by the designated members of the taskforce on a case by case basis as detailed in the Clayton Judicial Circuit Comprehensive Court Operations – Phase I Guidelines; and (3) defendants, litigants, and witnesses who are noticed to appear before the court via the pod must be given options to appear virtually on or before his/her noticed pod appearance date and time;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office shall maintain the emergency protocols originally put in place at the inception of the judicial emergency or as have been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this Order;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office is to continue to maintain its website and other means for the public to access information regarding the status of the court and clerk's office at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER HEREBY ORDERED that our circuit taskforce, that has been meeting from time to time and prior to the initial statewide judicial emergency order, shall continue their small group meetings and convene for a large group meeting to consider the grand jury and trial jury reports regarding the process to be followed once a determination has been made that our circuit is prepared to resume such operations;

IT IS FURTHER HEREBY ORDERED that nothing contained in this order shall serve to prevent a municipal court within this judicial circuit to comply with the statewide municipal court guidelines or protocols that have been established and approved consistent with the Order(s) from Chief Justice Melton, so long as those guidelines or protocols do not provide for use of any county court facility in contradiction to this Order;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this **10th** day of **October**, **2020**.

Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
10/10/2020 01:27 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
October 10, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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 six times, with modifications, by orders issued on April 6, May 11, June 12, July 10, August 11, and September 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. Courts have also greatly expanded the use of remote proceedings and have resumed limited in-person proceedings that can be conducted safely. 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. The last extension order on September 10 authorized the Chief Judge of each superior court, in his or her discretion after consultation with the District Attorney, to resume grand jury proceedings if doing so can be done safely and in compliance with public health guidance based on local conditions. A number of courts have utilized this authority, and many more are expected to do so going forward.

However, jury trials, which require the assembly of larger numbers of people and thus pose more significant issues for conducting safely, have remained suspended. That blanket prohibition cannot continue, even though the pandemic continues, because our judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by trial, and our trial courts have accumulated many cases that are awaiting trial. The September 10 extension order directed the Chief Judge of each superior court to convene for each county in his or her circuit a local committee of judicial system participants to develop detailed guidelines for the safe resumption of jury trials in the county, utilizing the "Guidance for Resuming Jury Trials" included in the Appendix to this order. And as announced in the September 10 order, this order in Section I below authorizes the Chief Judge of each trial court, in his or her discretion, to resume the jury trial process if local conditions allow and the Chief Judge, in collaboration with the local committee, has developed and issued a final jury trial plan.

It should be recognized that grand jury hearings and jury trials will not actually start until a month or longer after the process for resuming them begins in a particular county or court, due to the time required to summon potential jurors for service. It also should be recognized that there are substantial backlogs of unindicted and untried cases, and due to ongoing public health precautions, these proceedings will not occur at the scale or with the speed they occurred before the pandemic. Thus, while our justice system must resume moving cases to indictment and trial as rapidly as can be done safely, **statutory deadlines based on indictments and jury trials will remain suspended and tolled**. Finally, it should be understood that plans may need to be revised based on changing circumstances.

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 Saturday, October 10, 2020, at 11:59 p.m., is further **extended until November 9, 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 October 10 extension order except for Section I, which has been substantially revised, and minor revisions in Section II (A) and IV (C).** 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. Grand Jury Proceedings and Jury Trials

(A) Grand Jury Proceedings Authorized

(1) The Chief Judge of each superior court, in his or her discretion after consulting with the District Attorney, may resume grand jury proceedings in person or remotely (where consistent with law), if doing so can be done safely and in compliance with public health guidance based on local conditions. When a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety. Guidance for safely conducting in-person grand jury proceedings, based on recommendations from the Judicial COVID-19 Task Force, is included in the Appendix to this order, and guidance on conducting remote grand jury proceedings is forthcoming.

(2) Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(B) **Jury Trials Authorized; Local Committees to Develop County Jury Trial Guidelines**

(1) As directed in the September 10 extension order, every county should have in place a local committee of judicial system participants, convened by the Chief Judge of the county's superior court, which is charged with developing a plan for safely resuming jury trials in the county as further described in the "Guidance for Local Committees on Resuming Jury Trials" included in the Appendix to this order. The local committees should utilize the "Guidance for Resuming Jury Trials" also included in the Appendix in developing their plans, which must be submitted to the Administrative Office of the Courts (AOC) as soon as possible and before the jury trial process begins.

(2) **The blanket suspension of jury trials that has been in place since the March 14 Order is ended effective immediately.** The Chief Judge of each trial court is authorized, in his or her discretion, to summon new trial jurors and to resume jury trials, if that can be done safely and in accordance with a final jury trial plan developed in collaboration with the local committee and incorporated into the court's written operating guidelines for in-person proceedings discussed in Section IV below. As with grand jury proceedings, when a Chief Judge exercises this authority, he or she must provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety.

(C) Because there are substantial backlogs of unindicted and untried cases and because grand jury proceedings and jury trials even when resumed will not occur at the scale or with the speed as before the pandemic, deadlines calculated by reference to the date of grand jury proceedings or jury trials, including but not limited to the speedy trial deadlines in OCGA §§ 17-7-170 and 17-7-171 and the deadlines for

indicting detained individuals in OCGA §§ 17-7-50 and 17-7-50.1, will remain suspended and tolled as discussed in Section II (A) (1) below.

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 had 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. Statutes of limitation in criminal cases shall also remain tolled until further order.

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

(3) In cases that were pending before the March 14 Order, litigants were provided the same amount of time to file or act after July 14 that they had as of March 14.

(4) In cases filed between March 14 and July 13, 2020, the time for deadlines began to run on July 14.

(5) In cases filed on or after July 14, 2020, litigants must 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, also extended the time for that filing or action 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 were lifted as of July 14, 2020, and any regular term of court beginning on or after July 14 counts 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 video conferences 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, including grand jury proceedings and jury trials, will be conducted to protect the health of litigants, lawyers, jurors, 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 at 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 AOC 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

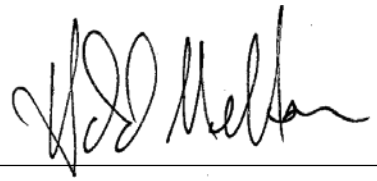
courts to plan for the transition to fuller operations.

(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 AOC 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 10th day of October, 2020, and effective at 11:59 p.m.



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)

Guidance for Resuming In-Person Grand Jury Proceedings (September 10, 2020)

Guidance for Local Committees on Resuming Jury Trials (September 10, 2020)

Guidance for Resuming Jury Trials (September 21, 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

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
09/10/2020 04:53 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): September 11, 2020 – October 10, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has issued his SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Saturday, October 10, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS a prior statewide order of Chief Justice Melton reimposed all deadlines and other time schedules and filing requirements that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended; and continued to suspend and toll 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 proceedings;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance constitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond (OTB) pod system (hereinafter "pod"), effective June 15, 2020, to afford a criminal defendent the opportunity to appear before the court in a virtual capacity where said person does not have the technological resources to appear virtually without having to present him/herself in the courtroom;

WHEREAS the Clayton Judicial Circuit expanded the use of the pod, effective July 13, 2020, to afford civil litigants or witnesses in all levels of court the opportunity to appear before the court in a virtual capacity where said litigant or witness does not have the technological resources to appear virtually without having to appear in court ("in court" in some instances may be a room, other than a courtroom, used by the court to provide court access to a witness, litigant, or member of the public, via virtual technology);

WHEREAS the Clayton Judicial Circuit has determined not to expand in-court proceedings beyond the use of the current pod systems, given the substantial spread of the COVID-19 virus;

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions; and

WHEREAS the undersigned Chief Judge of the Clayton Judicial Circuit has consulted with the District Attorney, Solicitor General, Circuit Public Defender, Clerk of Superior Court (Jury Division) and Chief Judge of State Court, among many others, who all agree that in-person grand jury and jury trial operations should continue to be restricted;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the August 11, 2020 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the July 13, 2020 order extending the original March 18, 2020 Order, as subsequently modified) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on September 10, 2020 is extended through Saturday, October 10, 2020 at 11:59 p.m., unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the pods, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that (1) use of the pod shall be limited to defendants that are not incarcerated or litigants who do not elect to appear virtually without having to appear in court or who do not have the technological resources necessary for virtual appearance; (2) only the defendant in criminal cases, one party to a civil matter or one witness in either a criminal or civil matter will be permitted to appear before the court via the pod; all other participants must appear via video-conferencing, except as determined by the judge in hearings related to a death penalty case or as

approved by the designated members of the taskforce on a case by case basis as detailed in the Clayton Judicial Circuit Comprehensive Court Operations – Phase I Guidelines; and (3) defendants, litigants, and witnesses who are noticed to appear before the court via the pod must be given options to appear virtually on or before his/her noticed pod appearance date and time;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office shall maintain the emergency protocols originally put in place at the inception of the judicial emergency or as have been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this local declaration;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office is to continue to maintain its website and other means for the public to access information regarding the status of the court and clerk's office at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER HEREBY ORDERED that our circuit taskforce that has been meeting from time to time and prior to the initial statewide judicial emergency order shall continue their small group meetings and convene in a large group meeting to complete the tasks related to jury trials as mandated by Chief Justice Melton regarding the process to be followed once a determination has been made that our circuit is prepared to resume such operations;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

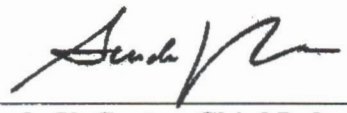
IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
09/10/2020 04:53 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

BE IT SO ORDERED this **10th** day of **September**, 2020.



Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
September 10, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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 five times, with modifications, by orders issued on April 6, May 11, June 12, July 10, and August 11, 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. Courts have also greatly expanded the use of remote proceedings and have resumed limited in-person proceedings that can be conducted safely. 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, because grand jury proceedings and jury trials require the assembly of larger numbers of people, they have been almost entirely prohibited since the judicial emergency began. As explained in the last extension order, this broad prohibition cannot continue, even if the pandemic continues, because our 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 has

been focusing its work on how these proceedings can be safely conducted.

As explained further in Section I below, this order authorizes the Chief Judge of each superior court, in his or her discretion after consultation with the District Attorney, to resume grand jury proceedings as local conditions allow and in accordance with this order. Guidance for resuming in-person proceedings is included in the Appendix to this order, and guidance on remote grand jury proceedings is forthcoming. Conducting safe grand jury proceedings will provide experience useful in conducting safe jury trials.

As also explained in Section I below, this order directs each county to establish a local committee of judicial system participants to develop detailed guidelines for the resumption of jury trials in the county utilizing the safe jury trial guidelines being developed by the Task Force. It is anticipated that the next extension order on or about October 10 will authorize superior and state courts, in their discretion, to resume jury trials as local conditions allow.

It should be recognized that actual grand jury hearings and jury trials will not begin until a month or longer after they are authorized, due to the time required to summon potential jurors for service. It also should be recognized that there are substantial backlogs of unindicted cases, and due to ongoing public health precautions, these proceedings will not occur at the scale or with the speed they occurred before the pandemic. Thus, while our justice system must resume moving cases to indictment and trial as rapidly as can be done safely, statutory deadlines based on indictments and jury trials will remain suspended and tolled. Finally, it should be understood that plans may need to be revised based on changing circumstances.

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 Thursday, September 10, 2020, at 11:59 p.m., is further **extended until October 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 August 11 extension order except for Section I, which has been substantially revised, and a minor corresponding revision in Section II (A) (1).** 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. Grand Jury Proceedings and Jury Trials

(A) Grand Jury Proceedings Authorized

(1) **The Chief Judge of each superior court, in his or her discretion after consulting with the District Attorney, may resume grand jury proceedings in person or remotely (where consistent with law) on or after September 10, 2020,** if doing so can be done safely and in compliance with public health guidance based on local conditions. When a Chief Judge exercises this authority, he or she should provide sufficient notice to the appropriate clerk of court or court administrator to allow the process of summoning potential jurors, and potential jurors should be informed in advance about the practices that the court will use to ensure their safety. Guidance for safely conducting in-person grand jury proceedings, based on recommendations from the

Judicial COVID-19 Task Force, is included in the Appendix to this order, and guidance on conducting remote grand jury proceedings is forthcoming.

(2) Because there are substantial backlogs of unindicted cases, grand jury proceedings even when resumed will not occur at the scale or with the speed as before the pandemic, and jury trials remain suspended, deadlines calculated by reference to the date of grand jury proceedings or jury trials, including but not limited to the speedy trial deadlines in OCGA §§ 17-7-170 and 17-7-171 and the deadlines for indicting detained individuals in OCGA §§ 17-7-50 and 17-7-50.1, will remain suspended and tolled as discussed in Section II (A) (1) below.

(3) Courts and counsel are reminded that many criminal cases may proceed on accusation and do not require a grand jury indictment.

(B) **Jury Trials Remain Prohibited; Convening of Local Committees to Develop County Jury Trial Guidelines**

(1) The suspension of jury trials shall remain in effect and until further order, all courts are prohibited from summoning new trial jurors and from conducting criminal or civil jury trials.

(2) **The Chief Judge of each superior court is directed to convene for each county in his or her circuit a local committee of judicial system participants to develop a plan for safely resuming jury trials in the county**, as further specified in the "Guidance for Local Committees on Resuming Jury Trials" included in the Appendix to this order. Guidance for safely conducting jury trials is being developed by the Judicial COVID-19 Task Force and will be provided to local committees. **Court operating guidelines for in-person proceedings, see Section IV below, incorporating final jury trial plans shall be submitted to the Administrative Office of the Courts (AOC) as soon as possible and before the jury trial process begins.**

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. Statutes of limitation in criminal cases shall also remain tolled until further order.

(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 video conferences 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 at 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 AOC 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

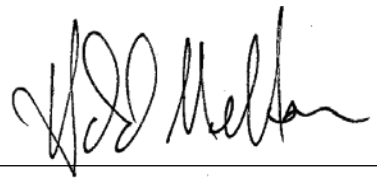
(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(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 AOC 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 10th day of September, 2020, and effective at 11:59 p.m.



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)

Guidance for Resuming In-Person Grand Jury Proceedings (September 10, 2020)

Guidance for Local Committees on Resuming Jury Trials (September 10, 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

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
08/11/2020 09:03 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): August 12, 2020 – September 10, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has extended the duration of his FOURTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Thursday, September 10, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS the prior statewide order of Chief Justice Melton reimposed all deadlines and other time schedules and filing requirements that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020, Order Declaring Statewide Judicial Emergency, as extended; and continued to suspend and toll 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 proceedings;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance constitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond (OTB) pod (hereinafter "pod"), effective June 15, 2020, to afford a criminal defendent the opportunity to appear before the court in a virtual capacity where said person does not have the technological resources to appear virtually without having to present him/herself in the courtroom;

WHEREAS the Clayton Judicial Circuit expanded the use of the pod, effective July 13, 2020, to afford civil litigants or witnesses in all levels of court the opportunity to appear before the court in a virtual capacity where said litigant or witness does not have the technological resources to appear

virtually without having to appear in court ("in court" in some instances may be a room, other than a courtroom, used by the court to provide court access to a witness, litigant, or member of the public, via virtual technology);

WHEREAS the Clayton Judicial Circuit has determined not to expand in-court proceedings beyond the use of the current pod systems, given the substantial increase in the spread of the COVID-19 virus; and

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the increased transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the July 13, 2020 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the June 12, 2020 order extending the original March 18, 2020 Order, as subsequently modified) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on August 11, 2020 is extended through Thursday, September 10, 2020, unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the pod, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that (1) use of the pod shall be limited to defendants or litigants who do not elect to appear virtually without having to appear in court or who do not have the technological resources necessary for virtual appearance; (2) only the defendant in criminal cases, one party to a civil matter or one witness in either a criminal or civil matter will be permitted to appear before the court via the pod; all other participants must appear via video-conferencing, except as determined by the judge in hearings related to a death penalty case or as approved by the designated members of the taskforce on a case by case basis as detailed in the Clayton Judicial Circuit Comprehensive Court Operations – Phase I Guidelines; and (3) defendants, litigants, and witnesses who are noticed to appear before the court via the pod must be given options to appear virtually on or before his/her noticed pod appearance date and time;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office shall maintain the emergency protocols originally put in place at the inception of the judicial emergency or as has been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this local declaration;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office is to continue to maintain its website and other means for the public to access information regarding the status of the court and clerk's office at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this 11th day of August, 2020.

Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
08/11/2020 09:03 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
August 11, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

FIFTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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.

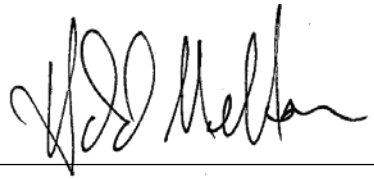
(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(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.



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

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
07/10/2020 07:57 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN RE: Extended Declaration of Judicial Emergency
Date(s): July 13, 2020 – August 11, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has extended the duration of his THIRD ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Tuesday, August 11, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS the extended order reimposes all deadlines and other time schedules and filing requirements that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions that have been suspended, tolled, extended, or otherwise relieved by the March 14, 2020, Order Declaring Statewide Judicial Emergency, as extended; and continues to suspend and toll 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 proceedings;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance constitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond (OTB) pod (hereinafter "pod"), effective June 15, 2020, to afford a criminal defendent the opportunity to appear before the court in a virtual capacity where said person does not have the technological resources to appear virtually without having to present him/herself in the courtroom;

WHEREAS the Clayton Judicial Circuit has expanded the use of the pod, effective July 13, 2020, to afford civil litigants or witnesses in all levels of court the opportunity to appear before the court in a virtual capacity where said litigant or witness does not have the technological resources to appear

virtually without having to appear in court (in court in some instances may be a room, other than a courtroom, used by the court to provide virtual technology to a witness or litigant);

WHEREAS the Clayton Judicial Circuit will begin other in-court proceedings at such time as when the Clayton Judicial Circuit can comply with all the directives of the extended order;

WHEREAS currently the Clayton Judicial Circuit, given the substantial increase in the spread of the COVID-19 virus, has no current, anticipated date for additional in-court proceedings; and

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the increased transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the June 12, 2020 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the May 13, 2020 order extending the original March 18, 2020 Order, as subsequently modified) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on July 12, 2020 is extended through Tuesday, August 11, 2020, unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the pod, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that (1) use of the pod shall be limited to defendants or litigants who do not elect to appear virtually without having to appear in court or who do not have the technological resources necessary for virtual appearance; (2) only the defendant in criminal cases, one party to a civil matter or one witness in either a criminal or civil matter will be permitted to appear before the court via the pod; all other participants must appear via video-conferencing, except as determined by the judge in hearings related to a death penalty case; and (3) defendants, litigants, and witnesses who are noticed to appear before the court via the pod must be given options to appear virtually on or before his/her noticed pod appearance date and time;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office shall maintain the emergency protocols originally put in place at the inception of the judicial emergency or as has been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this local declaration;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office is to continue to maintain its website and other means for the public to access information regarding the status

of the court and clerk's office at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this 10th day of July, 2020.

Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
07/10/2020 07:57 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
July 10, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

FOURTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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 three times, with modifications, by orders issued on April 6, May 11, and June 12, 2020. After consulting with the Judicial Council of Georgia, the Judicial COVID-19 Task Force, 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. The May 11 extension order also encouraged courts to work diligently to address the backlog of pending cases on a case-by-case basis, and the June 12 extension order announced a plan to reimpose as of July 14 many of the deadlines imposed by law on litigants in civil and criminal cases that have been suspended, tolled, or extended since the initial March 14 Order. This order puts that plan into place and will allow more pending and newly filed cases to move forward in the judicial process in an effort to return to more robust court operations. Given current circumstances, however, this order continues the prohibition on all jury proceedings and almost all grand jury proceedings.

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 further delineates the health precautions required for all in-person judicial proceedings and specifies that courts must adopt 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 Sunday, July 12, 2020, at 11:59 p.m., is further **extended, effective Sunday, July 12, 2020, at 11:59 p.m., until Tuesday, August 11, 2020 at 11:59 p.m.** All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended, with the following clarifications, modifications, and directions. 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, but it is unlikely that any jury proceedings will begin until September or later.

II. Reimposition of Deadlines on Litigants

(A) As announced in the June 12 extension order, this order hereby reimposes 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 Seventh 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.

(4) **To the extent operating guidelines previously implemented by courts do not comply fully with the requirements of this order, courts shall develop and implement revised guidelines within 10 days of this order.**

(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.

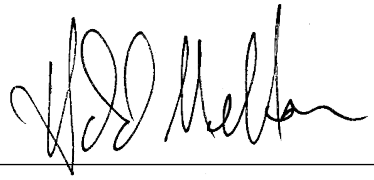
(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(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 10th day of July, 2020, and effective July 12, 2020, at 11:59 p.m.



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 Seventh Amended Administrative Order for Public Health Control Measures (June 16, 2020)

cc:
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

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
06/12/2020 05:17 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): June 13, 2020 – July 12, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has extended the duration of his SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Sunday, July 12, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS the extended order provides for the reinstitution of specified deadlines by subject matter that were not previously reinstated on a case by case basis, by any judge within the Clayton Judicial Circuit pursuant to the extended order set to expire June 12, 2020;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance consitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond (OTB) pod, effective June 15, 2020, for those criminal cases where defendants and ultimately in civil cases where only one party to a matter does not otherwise have access to technology that would afford him/her the opportunity to appear before the court in a virtual capacity;

WHEREAS the Clayton Judicial Circuit will begin other in-court proceedings at such time as when the Clayton Judicial Circuit can comply with all the directives of the extended

order (such time now being tentatively set for August 3, 2020 for certain non-jury and non-grand jury matters); and

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the May 13, 2020 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the April 13, 2020 order extending the original March 18, 2020 Order) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on June 12, 2020 is extended through Sunday, July 12, 2020, unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the OTB pod, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that each division of court maintain the emergency protocols originally put in place at the inception of the judicial emergency or as has been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this local declaration;

IT IS FURTHER HEREBY ORDERED that each division of court is to continue to maintain its website and other means for the public to access information regarding the court's status at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

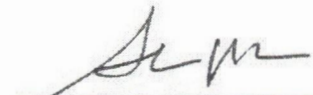
IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the

Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this 12th day of June, 2020.



Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
06/12/2020 05:17 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
June 12, 2020
Thérèse S. Barnes
Clerk/Court Executive
SUPREME COURT OF GEORGIA

THIRD ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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 twice, with modifications, by orders issued on April 6 and May 11, 2020. After consulting with the Judicial Council of Georgia, the Judicial COVID-19 Task Force, and other judicial partners, and 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, it is hereby determined that the Order should be extended again, but with significant modifications.

The work of the courts in Georgia has diligently gone forward on essential and critical matters, and most courts have continued some non-essential court operations, in particular by using technology to conduct proceedings remotely, but more must be done. Therefore, as detailed below, with the exception of jury trial proceedings and most grand jury proceedings, this extension order announces a plan to reimpose as of July 14, 2020, many of the deadlines imposed by law on litigants in civil and criminal cases that have been suspended, tolled, or extended since the initial Order on March 14, in order to allow more pending cases and newly filed cases to move forward in the judicial process again. All Georgia courts must continue, however, 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.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Friday, June 12, 2020, at 11:59 p.m., is further extended until Sunday, July 12, 2020, at 11:59 p.m. All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended, with the following clarifications, modifications, and directions. 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 should 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.

(C) As directed by the May 11 extension order, the Judicial Covid-19 Task Force is developing policies, procedures, and templates to allow the safe resumption of jury trials and grand jury proceedings. These materials should be available in July 2020, but it is unlikely that any jury proceedings will begin until August or later.

II. Plan for the Reimposition of Deadlines

(A) This order announces a plan to reimpose 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.

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

(3) This will mean that for **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) This will mean that for **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) This will mean that **for cases filed on or after July 14, 2020,** litigants will have 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) To address the backlog of cases before deadlines on litigants are reimposed more generally as of July 14, 2020, **judges should utilize the authorization provided to them in the May 11 extension order to reimpose 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 filing deadlines that are being established. **A case-specific order reimposing deadlines shall control over the deadlines for the same filings or actions that will be reimposed by statewide order.**

(D) To assist in evaluating this plan to reimpose deadlines, **comments are solicited** from judges, lawyers, and the general public. Comments should be delivered in Word or PDF format by email to JCTFcomments@gasupreme.us.

III. Proceedings Conducted Remotely Using Technology

(A) All courts are encouraged to continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings.

(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, including civil non-jury trials and other non-jury adjudicative 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) Except for jury and grand jury proceedings, 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) Each court should 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. 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 may be used as the template for such operating guidelines.

(C) Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their operating guidelines.

(D) 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.

(E) Operating guidelines should 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.

(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 planned for 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.

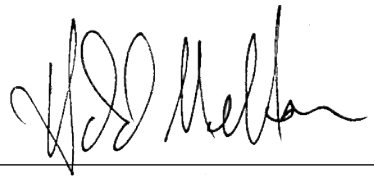
(B) The clerks and court administrators of trial courts that conduct jury trials and convene grand juries will be provided sufficient notice of the resumption of jury proceedings to allow the complicated process of summoning potential jurors to be completed.

(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 12th day of June, 2020.



Chief Justice Harold D. Melton
Supreme Court of Georgia

APPENDIX

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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)

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Georgia Court Reopening Guide (June 11, 2020)

cc:
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
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Judicial Qualifications Commission
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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

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
05/13/2020 03:56 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): May 14, 2020 - June 12, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, in his SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") has extended the statewide judicial emergency through Friday, June 12, 2020;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions provided in the order that was set to expire May 13, 2020;

WHEREAS the extended order provides clarifications, modifications, and directions as specified therein;

WHEREAS, consistent with the directive in the extended order, the Clayton Judicial Circuit will continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings;

WHEREAS the Clayton Judicial Circuit will not resume in-court proceedings prior to the expiration of this order, or any necessary extension thereto;

WHEREAS the Clayton Judicial Circuit will begin in-court proceedings at such time as when the Clayton Judicial Circuit can comply with all the directives of the extended order;

WHEREAS the extended order acknowledges the possible need for more restrictive local judicial emergency declarations, as necessitated by local conditions; and

WHEREAS the Clayton Judicial Circuit falls within the boundaries of Clayton County, which continues to be under a countywide state of emergency, as declared by the Board of Commissioners Chairman, Jeffrey E. Turner;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the April 13, 2020 Order Declaring Judicial Emergency entered (to extend the original March 18, 2020 Order) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on May 13, 2020 is extended through Friday, June 12, 2020, unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that in-court proceedings remain suspended and will not resume until the Clayton Judicial Circuit meets the standards and is able to comply with the directives in the extended order of Chief Justice Melton;

IT IS FURTHER HEREBY ORDERED that each division of court maintain the emergency protocols originally put in place at the inception of the judicial emergency or as has been amended from time to time in order to comply with the directives of Chief Justice Melton;

IT IS FURTHER HEREBY ORDERED that each division of court is to continue to maintain its website and other means for the public to access information regarding the court's status at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

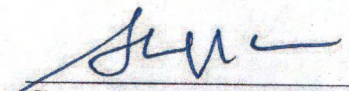
IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
05/13/2020 03:56 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

BE IT SO ORDERED this 13th day of May, 2020.



Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
May 11, 2020
Thérèse S. Barnes,
Clerk/Court Executive
SUPREME COURT OF GEORGIA

SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

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. Due to the continuing statewide emergency, on April 6, 2020, the Order was extended until May 13, 2020. While the work of the courts in Georgia has gone forward on essential and critical matters, and most courts have continued some non-essential court operations, in particular by using technology to conduct proceedings remotely, most court facilities are not prepared to comply with social distancing and other public health requirements to safeguard the health of litigants, lawyers, judges, court personnel, and the public during extensive in-court proceedings or proceedings involving a large number of people. After consulting with the Judicial Council of Georgia and other judicial partners, and recognizing that most in-court proceedings compel the attendance of various individuals rather than allowing them to decide how best to protect their own health, it is hereby determined that the statewide judicial emergency Order should be extended, with some clarifications and modifications as well as directions regarding efforts to resume court operations in a manner that protects public health.

Accordingly, the Order Declaring Statewide Judicial Emergency, which would have expired on Wednesday, May 13, 2020, at 11:59 p.m., is further extended until Friday, June 12, 2020, at 11:59 p.m. All Georgia courts shall continue to operate under the restrictions set forth in that Order as extended, with the following clarifications, modifications, and directions. 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.

1. Guidance on Application of the Order

Included in the Appendix to this Order are several guidance documents that clarify the application of the Order in particular contexts: tolling of filing deadlines; tolling of statutes of limitations; deadlines and time limits defined by reference to terms of court; and the continued authority of grand juries impaneled prior to the issuance of the Order. Additional guidance documents may be posted on the AOC's website at https://georgiacourts.gov/judicial-council/aoc/. It should be noted, however, that as discussed in Section 6 below, judges are being granted authority on a case-specific basis to reimpose certain deadlines that would otherwise be tolled by the Order or establish new deadlines or schedules.

2. Prohibition on Jury Trial Proceedings and Most Grand Jury Proceedings

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, until further order, all courts are prohibited from summoning new trial jurors and grand jurors and from conducting criminal or civil jury trials.

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 should not be assembled except when necessary and only under circumstances in which social distancing and other public health guidance can be followed.

As discussed below, efforts are being pursued to allow the safe resumption of jury trials. 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. Information about this issue will be provided to trial court clerks and court administrators.

3. Proceedings Conducted Remotely Using Technology

All courts should 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 should understand and utilize the authority provided by the emergency amendments made to court rules on videoconferences and teleconferences.

Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, including civil non-jury trials and other non-jury adjudicative 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.

In civil, criminal, and juvenile proceedings, parties may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements. Courts must ensure the public's right of access to judicial proceedings and, unless affirmatively waived in the record, a criminal defendant's rights to confrontation and open courtrooms.

4. In-Court Proceedings; Development of Guidelines

Except for jury and grand jury proceedings as discussed in Section 2 above, courts have discretion to conduct essential and non-essential 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 open courtrooms.

Before conducting extensive in-person proceedings, particularly in non-essential matters, each court should develop written 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. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors, and sanitization practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers, and the public.

Support for the development of guidelines will be provided by the Judicial COVID-19 Task Force discussed in Section 7 below, as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

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

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. However, no court may disregard the restrictions imposed by the Order as extended and modified.

6. Discretion of Judges to Reimpose Deadlines in Specific Cases

After the date of this order, and with the exception of deadlines regarding jury trials and grand juries, judges are granted the following authority to reimpose deadlines set by statutes, rules, regulations, and court orders that have been suspended, tolled, or extended by the Order Declaring Statewide Judicial Emergency as extended and modified and to establish new deadlines and schedules. In pending or newly filed cases, a judge may reimpose or establish such 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 reimposed or established. Standing orders applicable to multiple cases and orders simply reimposing previous scheduling orders are not permitted. The judge should allow any party or other participant in a case to seek reconsideration of such an order for good cause shown.

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, and briefs, written discovery in civil cases, scheduling of depositions that may be taken remotely or require few participants, and scheduling of hearings requiring only legal argument or few participants.

7. Judicial COVID-19 Task Force; Comments Solicited

A Judicial COVID-19 Task Force is hereby established to assist courts in conducting remote proceedings and in restoring more in-court proceedings, in particular jury trials and grand jury proceedings. The Task Force will include judges from the various classes of court and will obtain input from key stakeholders including the State Bar of Georgia, prosecutors and public defenders, civil plaintiff and defense attorneys, court clerks, sheriffs, and the public.

To assist in evaluating the effects of the Order Declaring Statewide Judicial Emergency as extended and modified, comments are

solicited from judges, lawyers, and the general public. Comments should be delivered in Word or PDF format by email to JCTFcomments@gasupreme.us.

8. 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.

9. Notice Provisions

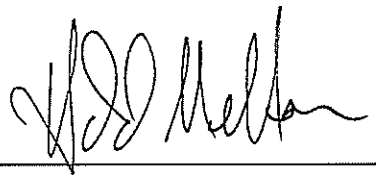
Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

The impact of COVID-19 varies across the state, and the level of response and adjustment will likewise vary among courts. Courts are strongly encouraged to 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/.

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 parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 11th day of May, 2020.



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)

cc:
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

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
04/05/2020 09:03 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

IN RE: Declaration of Judicial Emergency Following Clayton County Department of Public Health Recommendations after confirmed COVID-19 case Harold R. Banke Justice Center Employee Quarantine - April 6 – April 19, 2020 Harold R. Banke Justice Center CLOSURE- April 6 - April 8, 2020

CLAYTON JUDICIAL CIRCUIT
ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN ORDERED AND DECLARED by the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, that a judicial emergency, pursuant to O.C.G.A. § 38-3-60 et seq., see O.C.G.A. § 38-3-60 (2), exists in the State of Georgia affecting all courts and clerks' offices in the State of Georgia from March 16, 2020 through at least April 13, 2020, following the statewide public health emergency declared by Georgia Governor Brian Kemp;

WHEREAS, IT HAS ALSO BEEN DECLARED that a state of emergency exists in Clayton County relative to the ongoing public health emergency as declared by Clayton County Board of Commissioners Chairman, Jeffrey E. Turner and acknowledged in prior Clayton Judicial Circuit Emergency Declaration Orders, including that of March 18, 2020 (incorporated herein by reference);

WHEREAS, on April 2, 2020, Governor Kemp issued an Execuitve Order requiring residents to shelter-in-place, except for certain essential activities;

WHEREAS, multiple cases of COVID-19 have been identified in the Harold R. Banke Justice Center (hereinafter Justice Center), despite the courts and clerks' offices therein having made every attempt to limit access to only essential functions;

WHEREAS, the Clayton County Department of Public Health has recommended a 14-day quarantine for all individuals who work at the Justice Center, and has defined said quarantine as "staying at one's residence and not leaving for work or any reason other than to seek medical care," which would effectively close the Justice Center for the entire 14-day quarantine period;

WHEREAS, given the nature of the emergency as declared throughout this state, there is no other physical location available for public access to each of the courts and clerks' offices within the Justice Center, and given the recommendations of the Department of Public Health, there would be no court or clerks' office employee available for person to person contact;

WHEREAS, during the course of the emergency, the courts and clerks' offices within the Justice Center have and will continue to provide virtual access to essential matters;

WHEREAS, the decontamination of the building will take at least three days;

WHEREAS, following the decontamination, the employees responsible for opening the doors to the Justice Center are recommended to maintain their quarantine; and

WHEREAS, the emergency substantially endangers or infringes upon the normal functioning of the judicial system; the ability of persons to avail themselves of the judicial system; or the ability of litigants or others to have access to the courts or clerks' offices or meet scheduled or time deadlines imposed by the court order or rule; statute or administrative rule; or regulation;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61, that the existence of a judicial emergency exists in the Clayton Judicial Circuit to warrant the closure of the Justice Center facility for proper decontamination from April 6, 2020 through at least April 8, 2020. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the Clayton Judicial Circuit and the State of Georgia, and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required.

Thus, the undersigned specifically makes this declaration of judicial emergency affecting all courts and clerks' offices in the JUSTICE CENTER as it relates to jury service, including grand jury service, and any matter, unless such matter can be conducted via video or teleconferencing.

IT IS FURTHER HEREBY ORDERED that each court and clerk's office affected by this order provide updates and instructions for public access on its website and be able to provide the same via telecommunication throughout the entire recommended 14-day quarantine period from April 6, 2020 through April 19, 2020.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from all deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to:

(1) A statute of limitation;
(2) The time within which to issue a warrant;
(3) The time within which to try a case for which a demand for speedy trial has been filed;
(4) The time within which to hold a commitment hearing;
(5) A deadline or other schedule regarding the detention of a juvenile;
(6) The time within which to return a bill of indictment or an accusation or to bring a matter before the grand jury;

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
04/05/2020 09:03 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

(7) The time within which to file a writ of habeas corpus;
(8) The time within which discovery or any aspect thereof is to be completed;
(9) The time within which to serve a party;
(10) The time within which to appeal or seek the right to appeal any order, ruling, or other determination; and
(11) and such other legal proceedings as may be determined to be necessary.

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Harold D. Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts within the Justice Center and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt;

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this 5th day of April, 2020.

Geronda V. Carter, Chief Judge
Clayton Superior Court
Clayton Judicial Circuit

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
04/13/2020 09:39 am
Jacquline D. Wills
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: Extended Declaration of Judicial Emergency
Date(s): April 14, 2020 - May 13, 2020

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has extended the statewide judicial emergency through Wednesday, May 13, 2020, unless otherwise further modified or extended;

WHEREAS, Clayton County Board of Commissioners Chairman, Jeffrey E. Turner, has extended the countywide state of emergency through Wednesday, May 13, 2020, following Governor Brian Kemp's extension of the statewide declaration of emergency; and

WHEREAS, it is acknowledged that a specific judicial emergency was declared which impacted the use of the Harold R. Banke Justice Center during the pendency of the circuit-wide judicial emergency, wherein the employees of the Justice Center remain subject to a Department of Public Health recommended quarantine through 11:59 p.m. on April 19, 2020;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the March 18, 2020 Order Declaring Judicial Emergency entered by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on April 13, 2020 is extended through Wednesday, May 13, 2020, unless otherwise further modified or extended.

IT IS FURTHER ORDERED that the Sheriff shall post this Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve Chief Justice Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve a copy of this Order on the judges and clerks of all courts sitting within the jurisdictions affected and on the Clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt;

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

BE IT SO ORDERED this 13th day of April, 2020.

Geronda V. Carter, Chief Judge
Clayton County Superior Court
Clayton Judicial Circuit

EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
04/13/2020 09:39 am
Jacquline D. Wills
CLERK SUPERIOR COURT

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media

FILED
Administrative Minutes
APR 06 2020
Therese S. Barnes,
Clerk/Court Executive
SUPREME COURT OF GEORGIA

SUPREME COURT OF GEORGIA

April 6, 2020

ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY

Pursuant to OCGA § 38-3-61, and due to the continuing statewide emergency involving the transmission of Coronavirus/COVID-19, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, does hereby extend the March 14, 2020 (amended) Order Declaring Statewide Judicial Emergency, which would have expired on April 13, 2020 at 11:59 p.m., until Wednesday, May 13, 2020, at 11:59 p.m., unless otherwise further modified or extended. The Chief Justice will provide notice as to the expected termination of the Order at least one week in advance to allow courts to plan the transition to fuller operations.

With regard to matters not deemed essential functions under the Statewide Judicial Emergency Order, courts and litigants are encouraged to proceed to the extent feasible and consistent with public health guidance, for example through the use of teleconferences and videoconferences, to reduce backlogs when the judicial emergency ends.

With regard to all matters in this challenging time, all lawyers are reminded of their obligations of professionalism.

It is ordered, pursuant to OCGA § 38-3-63, that 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 Georgia Court of Appeals, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

It is further ordered that 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 parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 6th day of April, 2020.

Chief Justice Harold D. Melton
Supreme Court of Georgia

cc:
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