

Judicial Council of Georgia
Emergency Session

By Remote Conferencing

Livestream at <https://www.youtube.com/judicialcouncilofgeorgia>

Tuesday, September 8, 2020
2:00 p.m.

- 1. Preliminary Remarks**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 2. Roll Call of Judicial Council Members**
(Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)
- 3. Adoption of Minutes**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. Discussion of Statewide Judicial Emergency Orders and COVID-19 Update by Judicial Council Members**
(Chief Justice Harold D. Melton, Est. Time – 15 Min.)
 - A. Judicial COVID-19 Task Force Update**
(Judge Shawn LaGrua, Est. Time – 5 Min.)
- 5. Reports from Courts, Councils, State Bar, and AOC (Est. Time – 20 min.)**
 - A. Supreme Court**
 - B. Court of Appeals**
 - C. Business Court**
 - D. Council of Superior Court Judges**
 - E. Council of State Court Judges**
 - F. Council of Juvenile Court Judges**
 - G. Council of Probate Court Judges**
 - H. Council of Magistrate Court Judges**
 - I. Council of Municipal Court Judges**
 - J. State Bar of Georgia**

K. Administrative Office of the Courts

6. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)

A. Council of Accountability Court Judges

B. Georgia Commission on Dispute Resolution

C. Council of Superior Court Clerks

D. Chief Justice’s Commission on Professionalism

E. Georgia Council of Court Administrators

F. Institute of Continuing Judicial Education

G. Judicial Qualifications Commission

7. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

8. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meeting – General Session

Friday, December 11, 2020 10 a.m. – 12:30 p.m. TBD

Judicial Council Meeting Calendar – 2021

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. “Sloppy” Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	The Classic Center/Athens, GA
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest updates and information. Thank you and continue to be safe!

Judicial Council of Georgia
General Session
Conference Call
August 14, 2020 • 10 a.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Brian Amero
Chief Judge Jeffrey S. Bagley
Judge James G. Blanchard, Jr.
Chief Judge Christopher S. Brasher
Judge Kerri Carter
Judge Melanie Cross
Judge Walter W. Davis
Judge Lori B. Duff
Chief Judge Asha Jackson
Ms. Dawn Jones
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Stephen Kelley (for Judge Jeffrey H. Kight)
Chief Judge Christopher T. McFadden
Judge J. Wade Padgett
Judge C. Gregory Price
Vice Chief Judge Brian K. Rickman
Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Judge Wesley B. Tailor
Judge Ralph Van Pelt, Jr.
Chief Judge Sarah Wall
Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli M. Wolk
Judge Alvin T. Wong

Members Absent

Judge TJ Hudson

Staff Present

Ms. Cynthia Clanton, Director
Mr. Robert Aycock
Ms. Michelle Barclay
Mr. Matthew Bishop
Mr. John Counts
Ms. Shimike Dodson
Mr. Darron Enns
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Kristy King
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Mr. Sterling Perry
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Mr. Jeffrey Thorpe
Ms. Maleia Wilson

(Guests Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:00 a.m. by Chief Justice Harold Melton. Ms. Cynthia Clanton called roll for Council members; staff and guests were instructed to submit their attendance to Ms. Tiffanie Robinson, for the purposes of minutes.

Adoption of Minutes – August 3, 2020

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on August 3, 2020. A motion to approve the amended minutes was offered by Presiding Justice Nahmias, with a second from Chief Judge Weaver. The motion was approved without opposition.

Judicial Council Committee Reports

Budget Committee. Justice Michael Boggs referred members to the written report provided in the supplemental materials. For the Amended Fiscal Year 2021 budget, there are no enhancement requests. For the Fiscal Year 2022 budget, there are four enhancement requests.

Justice Boggs recognized the work of Mr. Steve Gottlieb and Mr. Rick Rufolo in supporting the work of the Kinship Care Families program. The Supreme Court Committee on Justice for Children submitted an enhancement request for Civil Legal Services for Kinship Care Families. The Budget Committee voted to approve an enhancement request of \$100,000, a total five percent increase.

Justice Boggs recognized the work of Ms. Linda Klein for her stewardship in supporting the Civil Legal Services for Victims of Domestic Violence program. The Judicial Council Standing Committee on Grants submitted an enhancement request for Civil Legal Services for Victims of Domestic Violence in the amount of \$175,000.

The Administrative Office of the Courts submitted an enhancement request for the Juvenile Data Exchange (JDEX) Program in the amount of \$243,945. JDEX is a statewide repository of data related to juvenile delinquency matters in juvenile courts.

The Judicial Council Standing Committee on Judicial Workload Assessment submitted an enhancement request for a Weighted Caseload Project in the amount of \$236,113. This project establishes how the Judicial Council will update the formula to measure judicial workload in Georgia's superior and state courts. Justice Boggs then moved for approval of all requests; each motion was approved without opposition.

Justice Boggs then moved for the Budget Committee, assisted by JC/AOC staff, to be given authority to make decisions or take positions on the budget on behalf of the Judicial Council during the 2021 regular session and any special session called in 2020. Chief Judge Wall offered a motion to approve with a second from Chief Judge Amero. The motion was approved without opposition.

Legislation Committee. Presiding Justice Nahmias reported that the Committee met on

July 22 to consider proposals for the 2021 legislative session. He reminded the Council that the Committee makes recommendations on concepts, not specific language, as things may change during the legislative process. He directed the Council to forward legislative proposals related to COVID-19 to the Committee. The Committee recommends the Judicial Council support five pieces of legislation:

The Committee recommends that the Judicial Council support carryover legislation to amend OCGA § 29-3-1 & 29-3-3 to clarify the meaning of "gross settlement" and define "net settlement" when the appointment of a conservator for a minor is required. Presiding Justice Nahmias moved for the Judicial Council to support the proposed legislation; the motion was approved without opposition.

The Committee recommends that the Judicial Council support legislation to modernize and update the Court Reporting Act of Georgia and related statutes, including authorization for the use of digital recording systems in courts and for the development of rules and regulations to govern such use. Presiding Justice Nahmias moved for the Judicial Council to support the proposed legislation; the motion was approved without opposition.

The Committee recommends that the Judicial Council support legislation to repeal and replace the current notice of appeal and certiorari review statutes in OCGA Chapters 3 and 4 of Title 5 with a single petition for review procedure for appealing a case from a lower judiciary to superior or state court. The proposal was posted for public comment; revisions have been adopted based on submitted comments. Chief Judge McFadden was recognized to provide supporting information. Presiding Justice Nahmias moved for the Judicial Council to support the proposed legislation; the motion was approved without opposition. Presiding Justice Nahmias recognized the work of Mr. Darron Enns, Policy Counsel, Judicial Council/AOC, and Chief Judge McFadden for their work on this legislation.

The Committee recommends that the Judicial Council support legislation to enact the Uniform Mediation Act in Georgia. Presiding Justice Nahmias moved for the Judicial Council to support the proposed legislation; the motion was approved without opposition.

Presiding Justice Nahmias moved for the Legislative Committee to be given the authority to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2021 Legislative Session, and any special session that may be called in CY

2020, when time constraints prevent the convening the full Judicial Council. The motion was approved without opposition.

Judicial Workload Assessment Committee. Judge David Emerson provided a brief overview of the agenda. He recognized Mr. Jeffrey Thorpe, Judicial Caseload Data Specialist, Judicial Council/AOC, and Mr. Christopher Hansard, Division Director, Judicial Council/AOC, to present. Mr. Thorpe presented the circuit judgeship recommendations in the following order: Atlanta, Atlantic, Blue Ridge, Clayton, Coweta, Mountain, Northern, and South Georgia. Mr. Thorpe summarized the assessment data for each circuit, and the chief judge of each circuit was recognized for brief comments following the presentation of data. The Council deliberated during which Judge Emerson provided clarity on the case weight used to calculate judge workload, also noting there are only two new judgeship recommendations (the others are carryovers from 2019). Mr. Hansard distributed ballots to voting Council members by e-mail, also providing two phone numbers for voice voting if a device is unavailable to complete the poll. Chief Justice Melton recognized Mr. Thorpe, Mr. Hansard, and Judge Emerson for their work. Chief Justice Melton explained that this vote would be for the judgeship recommendations, and all ballots must be complete to be counted. After a sufficient amount of time passed, the ballots were received, and Vice Chief Judge Rickman supervised the tally in a separate Zoom breakout room. Chief Justice Melton advanced to other business as the tallying took place.

Technology Committee. Chief Justice Melton reported Judge David Emerson will serve as new Chair of the Technology Committee. Chief Justice Melton will remain as co-chair. Judge Emerson reported there are several pending projects underway with the new Judicial Council/AOC Interim Director of Information Technology, Mr. Sterling Perry. Chief Justice Melton directed Council members to the Clearance Rate Excellence Award winners listed in the materials.

Strategic Plan Committee. Presiding Judge Sara Doyle reported the Strategic Plan Standing Committee met on July 14, 2020, to continue work on the strategic plan. The Committee heard updates on several key initiatives and approved revisions to the strategic plan. In Spring 2020, Judge Sarah Harris proposed revisions to the strategic plan to address issues related to COVID-19. The Strategic Plan Committee created a Sub-Committee, which was chaired by Judge Harris. Sub-Committee members included Judge Shawn E. LaGrua, Judge Rizza P. O'Connor, and Judge Matthew M. McCord. The Committee adopted the Sub-Committee's suggested revisions to the strategic plan at its July 14, 2020, meeting. The proposed revisions expand upon the current

strategic objectives. They intend to serve pro se litigants better, improve technology in the courts, and improve technology training for judicial personnel. The Committee requests that the Judicial Council approve the proposed strategic plan revisions. The motion was approved without opposition.

Vice Chief Judge Rickman returned and announced that the recommendations for additional superior court judgeships were approved for both circuits presented. Chief Justice Melton stated that the Council would vote to rank the recommendations, and per policy, the ballots must be complete to be counted; the Council indicated no discussion was needed so impacted members were not asked to leave the room. Staff distributed ballots to voting members by e-mail, and the ballots were collected. Judge Emerson recognized the work of Mr. Hansard and Mr. Thorpe in collecting and analyzing caseload data. Vice Chief Judge Rickman supervised the tally in a separate Zoom breakout room. Chief Justice Melton moved on to other business as this took place.

Grants Committee. Members were referred to the written report provided in the materials.

Judicial COVID-19 Task Force. Judge LaGrua thanked Judicial COVID-19 Task Force members with a special thanks to Dr. Mark Swancutt, Fulton County Board of Health. She presented the Judicial COVID-19 Task Force proposed report, *Guidelines, Best Practices, and Resources*, for consideration by the Judicial Council., The Task Force is continuing to work on the issues of grand juries, juries, and the creation of local committees to address COVID-19 implications for county-wide impact.

Additionally, Judge LaGrua reported that a subcommittee on technology has been formed to begin working on creating guidelines, assessing potential challenges, and compiling resources for the judiciary in utilizing technology for virtual proceedings. Judge LaGrua further recognized Director Cynthia Clanton, Ms. Cheryl Karounos, and Mr. Hansard, and praised the collegiality of the Task Force members. Chief Justice Melton recognized the Task Force Report as final, received, and accepted by the Judicial Council, and reiterated several pieces of Judge LaGrua's report, namely the work on jury trial protocols and local committees. The Chief Justice opened the floor for discussion about the organization of local committees.

Council members were directed to the materials, including the Supreme Court Order in KAHIRI SU-DON HEYWARD V. THE STATE, the Supreme Court Order Regarding the Rule 3.15 Annual Disclosure Report, and the draft Supreme Court Order Reimposition of Deadlines for Superior Court Rule 39.3.1 Semi-Annual Lists of Felony Cases.

Vice Chief Judge Rickman was recognized to deliver the results of the judgeship recommendation ranking. The judgeship recommendations were ranked in order of priority as follows: South Georgia, Blue Ridge, Mountain, Coweta, Clayton, a tie between Atlantic and Northern, to be addressed by the Chief Justice, and Atlanta. At Vice Chief Judge Rickman's request, Mr. Hansard and Mr. Thorpe verified these results as based on the data. Chief Justice Melton stated that he had submitted his vote to resolve the tie between the Atlantic and Northern Circuits. Based on this vote, Mr. Hansard reported that the ranking results in the following order: South Georgia, Blue Ridge, Mountain, Coweta, Clayton, Atlantic, Northern, and Atlanta.

Report from AOC Director

Ms. Clanton recognized the resiliency of the judiciary and reported the AOC remains fully functional and ready to support the judiciary. Chief Justice Melton has created three new Judicial Council Committees. On May 14, the Chief Justice created the Judicial COVID-19 Task Force led by Judge LaGrua. On June 9, the Chief Justice created the new Ad Hoc Committee on Improving Community Access to Legal Resources. Co-chairs Justice Bethel and Judge McBurney are working to examine the increased use of law libraries by the public. On July 30, Chief Justice Melton issued an order creating the Judicial Council Ad Hoc Committee on Unified Administrative Services, to respond to the directive included in the FY 2021 budget (HB 793) to provide the General Assembly with a plan for a unified payroll, HR, and IT (including cybersecurity) system for the appellate and superior court system. The Committee is chaired by Justice John Ellington.

Ms. Clanton further reported on the efforts of the Judicial Council/AOC communications team to promote such projects as Law Day and a "Proud to Read Aloud" series focused on women's suffrage. She recognized the renaming of the Newton County Judicial Center in honor former Judicial Council member, Judge Horace J. Johnson, Jr. Judges from all over the state hosted twenty-seven law students for summer clerkships as part of the Georgia Latino Law Foundation's Virtual Judicial Internship Program. Ms. Clanton recognized Chief Judge Willie Weaver as the new President of the Council of Municipal Court Judges, which held its business meeting for the first time by Zoom. She also recognized Judge Matt McCord as the new Chair of the Municipal Courts Training Council. As of August 1, 2020, IT program manager and former webmaster, Mr. Sterling Perry, has been named Interim Director of the JC/AOC IT Division as the agency explores a new direction for IT services. The AOC plans to launch a new Judicial Council/AOC homepage on our website to connote the changing nature of its services during these unprecedented times.

Reports from the Courts, Councils, & State Bar

Supreme Court. Members were referred to the written report. Chief Justice Melton recognized Presiding Justice Nahmias and Justices Boggs, Blackwell, and Peterson for their work on the COVID-19 response. He also reported that the Court had moved the Bar Exam to October.

Court of Appeals. Judge McFadden reported that the Court of Appeals continues to operate remotely, with oral arguments continuing to be live-streamed and archived. He expressed gratitude for the Chief Justice, the COVID-19 Task Force, and court personnel on the front lines in response to COVID-19. The Court has begun issuing remittiturs.

Business Court. Judge Davis referred members to his written report. He also invited attendees to visit the State-wide Business Court website.

State Bar of Georgia. Ms. Jones reported on the Bar leadership's recent participation in the National Conference of State Bar Presidents events, which will be helpful with planning for the ultimate reopening of the State Bar headquarters. The Executive Director position application will close next week. Ms. Jones also reported that Judge Lawton Stephens and Judge Nina Markette Baker serve on the Bar's new Seeking Equal Justice and Addressing Racism and Racial Bias Committee.

Council of Superior Court Judges. Chief Judge Amero referred members to the written report. Superior court judges have been focused on finding virtual solutions on the grand jury and jury issue. He recognized the efforts of judicial leadership in attempting to keep the judiciary steady during the pandemic.

Council of State Court Judges. Judge Tailor congratulated the nine new state court judges elected, as well as Judge Tommy Smith, who will become the newest superior court judge of the Middle Judicial Circuit. During the recently concluded session of the Legislature, the Governor has signed into law Acts that created state courts in Barrow and Paulding County and has created a second judge for the State Court of Rockdale County.

Council of Juvenile Court Judges. Judge Jones referred members to her written report.

Council of Probate Court Judges. Chief Judge Wolk referred members to her written report. She reported that the Council is praying for Judge Jon Payne, Probate Court of Chattooga County, after he tested positive for COVID-19 and is in a coma. Judge Wolk recognized that ten probate judges have now been impacted and ask for everyone's continued support. Judge Wolk recognized the newest probate court judges elected during the runoffs earlier in the week. She also recognized

Presiding Justice Nahmias and Chief Judge McFadden in working through the certiorari review legislation on issues that impact the probate courts uniquely.

Council of Magistrate Court Judges. Judge Kasper referred members to the written report, noting the impact of COVID-19 on magistrate courts and that continued support is appreciated.

Council of Municipal Court Judges. Chief Judge Weaver recognized the Chief Justice and the judicial branch for patience and perseverance. Members were referred to the written report.

Report from Additional Judicial Branch Agencies

Council of Accountability Court Judges. Members were referred to the written report. The Council body elected leadership at its Annual Meeting on June 26, 2020. Effective July 1, 2020, the Council implemented updated standards for accountability courts.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson referred members to her written report. She reminded members of the availability of the Commission staff to assist with resources for virtual mediation as needed.

Council of Superior Court Clerks. Mr. Mike Holiman reported the Council continues to follow the work of the Judicial COVID-19 Task Force and court reopening.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier thanked everyone who participated in the Professionalism and the Georgia Court Reopening Guide CLE last Friday. The Commission received positive feedback. She thanked Judge LaGrua, Mr. Norbert Daniel Hummel IV, Ms. Elizabeth Fite, Judge Melanie Bell, Judge Lindsay Burton, Judge T. Russell McClelland, Ms. R. Javoyne Hicks, Dr. Swancutt, Ms. Lynn Garson, Ms. Rebecca Grist, Ms. Dawn Jones, Ms. Karounos, and Chief Justice Melton. Ms. Grier also reported she is conducting group leader training and has submitted an article for publication on the August Bar Journal Professionalism page concerning the necessity of unparalleled unity.

Georgia Council of Court Administrators. Ms. Stephanie Hines reported this is her last meeting as President, as the election for new officers will be held in October. GCCA will host two roundtable discussions concerning COVID-19 and the courts on October 6. The next episode of the podcast "In Recess" will be available in September.

Institution of Continuing Judicial Education. Mr. Doug Ashworth referred members to his written report.

Judicial Qualifications Commission. Mr. Chuck Boring referred members to his written report.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton announced the next Judicial Council Emergency Session is scheduled for Monday, August 24, 2020. The next Judicial Council General Session is scheduled for December 11, 2020.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 12:14 p.m.

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the _____ day of
_____, 2020.

Harold D. Melton
Chief Justice

Judicial Council of Georgia
General Session
Conference Call
August 14, 2020 • 10 a.m.

Guest Present

Mr. Josh Becker, Council of Accountability Court Judges
Chief Judge Melanie Bell, Magistrate Court of Newton County
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Judge Violet R. Bennett, State Court of Wayne County
Justice Michael P. Boggs, Supreme Court of Georgia
Mr. Charles "Chuck" Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Judge Lindsay Burton, Juvenile Court of Hall County
Chief Judge Geronda V. Carter, Clayton County Judicial Circuit
Judge Norman Cuadra, Municipal Court of Suwanee
Ms. Angie Davis, Georgia Statewide Business Court
Chief Judge David T. Emerson, Douglas Judicial Circuit
Presiding Judge Sara Doyle, Georgia Court of Appeals
Mr. Steve Ferrell, Ninth Judicial Administrative District
Mr. Steve Gottlieb, Atlanta Legal Aid Society
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Judge Sarah Harris, Probate Court of Bibb County
Ms. Christine Hayes, State Bar of Georgia
Ms. Stephanie Hines, Georgia Council of Court Administrators
Judge Kenneth B. Hodges, III, Georgia Court of Appeals
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Judge Gary Jackson, Municipal Court of Atlanta
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anna Kirkhope, Council of Juvenile Court Judges
Mr. Linda Klein, Baker Donelson Bearman Caldwell & Berkowitz PC
Judge Shawn LaGrua, Atlanta Judicial Circuit
Judge Kristi Lovelace, Municipal Court of Monroe
Ms. Natasha MacDonald, Council of Superior Court Judges
Chief Judge Jeffrey S. Malcom, Northern Judicial Circuit
Chief Judge Russell T. McClelland, State Court of Forsyth County
Chief Judge Ellen McElyea, Superior Court, Blue Ridge Judicial Circuit
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Mr. Jay Neal, Criminal Justice Coordinating Council
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Jimmonique Rodgers, Georgia Public Defender Council

Mr. Rick Rufolo, Georgia Legal Services Program
Judge Bobby Simmons, Juvenile Court of Clayton County
Chief Judge John T. Simpson, Coweta Judicial Circuit
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia
Chief Judge Russell W. Smith, Mountain Judicial Circuit
Mr. David Summerlin, Fifth Judicial Administrative District
Mr. John Robert Thornton Jr., Criminal Justice Coordinating Council
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Cindy Wang, Department of Juvenile Justice

DRAFT

**Judicial Council of Georgia
Emergency Session
Conference Call
August 31, 2020 • 2 p.m.**

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Brian Amero
Chief Judge Christopher S. Brasher
Judge Kerri Carter
Judge Melanie Cross
Judge Walter W. Davis
Judge Lori B. Duff
Chief Judge T.J. Hudson
Chief Judge Asha Jackson
Judge Sherry Jolly (for Judge James G. Blanchard, Jr.)
Judge Lisa C. Jones
Judge Quinn M. Kasper
Judge Jeffrey H. Kight
Chief Judge Christopher T. McFadden
Judge J. Wade Padgett
Vice Chief Judge Brian K. Rickman
Judge Fletcher Sams
Judge W. James Sizemore, Jr.
Judge Wesley B. Taylor
Judge Ralph Van Pelt, Jr.
Chief Judge Sarah Wall
Chief Judge Willie C. Weaver, Sr.
Chief Judge Kelli M. Wolk
Judge Alvin T. Wong

Members Absent

Chief Judge Jeffrey S. Bagley
Ms. Dawn Jones
Judge C. Gregory Price

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Noelle Lagueux-Alvarez
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Mr. Sterling Perry
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Ms. Maleia Wilson

(Guests Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold D. Melton. Chief Justice Melton recognized the loss of Judge Jon Payne, Judge Joseph McGovern, and Deputy Clerk, Ms. Ginger Carter. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purposes of the minutes.

Discussion of Statewide Judicial Emergency Orders and COVID-19 Update by Judicial Council Members

Chief Justice Melton reported the Fifth Extension of Statewide Judicial Emergency expires September 10. The next Extension of Statewide Judicial Emergency draft order will establish

county-specific committees to identify plans to implement jury trials. The next order will allow for grand jury proceedings on a discretionary basis, with a hold on statutory speedy trial demands and timetables. Council members reported the Griffin, Lookout Mountain, Brunswick, and Waycross circuits have proceeded with grand jury proceedings, under the direction of the former order, allowing grand jury proceedings under extraordinary circumstances.

Chief Justice Melton further reported remote grand jury proceedings are still being researched, with possible solutions requiring provisions in the Governor's emergency orders concerning the administration of oaths and in-person requirements provisions. The grand jury report from the Judicial COVID-19 Task Force is being circulated in the Supreme Court, which will be shared. Grand jury and jury trials may be implemented as soon as October; the State Bar of Georgia is working with the Judicial COVID-19 Task Force on public service announcements to educate the public concerning jury and grand jury proceedings amid COVID-19. Chief Justice Melton requested volunteers to experiment with remote grand juries; Chief Judge Amero, Chief Judge Brasher, and Judge Cross volunteered to test the process.

Chief Justice Melton recognized Judge Shawn LaGrua, Chair of the Judicial COVID-19 Task Force, to provide an update on the work of the Task Force. Judge LaGrua reported the jury reports were sent to the Chief Justice for review. The first subcommittee meeting for the public service announcements is scheduled for Wednesday. Judge Ken Hodges, Past President of the State Bar of Georgia, will participate in the subcommittee meetings for the public service announcements. A preliminary report for the civil and the public service announcements subcommittees will be complete by the end of the week.

Reports from Courts, Councils, State Bar, and AOC

Supreme Court. No report was provided.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. Judge Amero thanked Chief Justice Melton for his participation in the Superior Court Town Hall.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. No report was provided.

Council of Municipal Court Judges. No report was provided.

State Bar of Georgia. Mr. Jeff Davis reported that the State Bar of Georgia is working with the Judicial COVID-19 Task Force to educate the public on jury service in the time of the pandemic.

Administrative Office of the Courts. Ms. Cynthia Clanton reported the AOC is fully functional, encouraging the Council to inform the AOC if assistance is needed.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. No report was provided.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. Ms. Tina Robinson reported the Council of Superior Court Clerks met last week and continues to work with judges on jury trial solutions.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission voted to approve grant criteria and a grant process at a special called meeting this past Friday.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton announced that the next Emergency Session will be Tuesday, September 8, 2020.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:23 p.m.

Signature on the next page

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the ____ day of
_____, 2020.

Harold D. Melton
Chief Justice

**Judicial Council of Georgia
Emergency Session
Conference Call
August 31, 2020 • 2 p.m.**

Guest Present

Chief Judge Berryl A. Anderson, Council of Magistrate Court Judges
Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Josh Becker, Council of Accountability Court Judges
Judge Violet R. Bennett, State Court of Wayne County
Mr. Bob Bray, Council of State Court Judges
Judge Norman Cuadra, Municipal Court of Suwanee
Mr. Richard Denney, First Judicial Administrative District
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Karlise Grier, Chief Justice's Commission on Professionalism
Ms. Christine Hayes, State Bar of Georgia
Ms. Stephanie Hines, Georgia Court of Court Administrators
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Commission on Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anna Kirkhope, Council of Juvenile Court Judges
Judge Shawn LaGrua, Superior Court of Fulton County
Judge Kristi Lovelace, Municipal Court of Monroe
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, Eighth Judicial Administrative District
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Tina Robinson, Council of Superior Court Clerks
Ms. Jimmonique Rodgers, Georgia Public Defender Council
Judge Arthur Lee Smith, Chattahoochee Judicial Circuit
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Judge David C. Will, Municipal Court of Clarkston
Ms. Emily Youngo, Council of Superior Court Judges



SUPREME COURT OF GEORGIA

DRAFT 9/4/20 – JC

September 10, 2020

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 in-person or remote grand jury proceedings as local conditions allow and in accordance with this order and the [guidelines developed by the Task Force for conducting safe grand jury proceedings], which are included in the Appendix to this order. 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 grand jury proceedings, based on recommendations from the Judicial COVID-19 Task Force, is included in the Appendix to this order.

(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 no later than October 10, 2020.**

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.

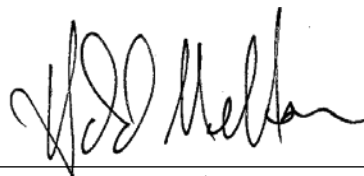
(B) The clerks and court administrators of trial courts that conduct

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.

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

Chief Justice Harold D. Melton
Supreme Court of Georgia

APPENDIX

[Guidance on Tolling of Filing Deadlines \(March 27, 2020\)](#)

[Guidance on Tolling of Statutes of Limitation \(April 6, 2020\)](#)

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

[Guidance on Grand Juries \(May 4, 2020\)](#)

[Further Guidance on Grand Juries \(May 11, 2020\)](#)

[Georgia Court Reopening Guide \(June 11, 2020\)](#)

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

[Judicial COVID-19 Task Force Report – Recommendations for Grand Juries During the COVID-19 Pandemic \(August? __, 2020\)](#)

[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

GUIDANCE FOR LOCAL COMMITTEES ON RESUMING JURY TRIALS

The resumption of jury trials in the midst of the pandemic presents an especially challenging task for the judiciary. Every jurisdiction is unique with respect to accommodations within courthouses, the availability of alternative facilities, technological needs, potential public reluctance to serve as jurors, and the level of COVID-19 infection within the community. Protective measures that might be prudent in one jurisdiction may be unnecessary in another. For this reason, the Chief Judge of the superior court of each judicial circuit shall convene a **local committee** of participants in the judicial system for each county within the circuit, who will develop a detailed and locally tailored plan to resume jury trials in that county. Each local committee's plan shall be consistent with the Chief Justice's Order Declaring Statewide Judicial Emergency, as extended, any local judicial emergency order, and the Judicial COVID-19 Task Force's Guidelines, and shall seek to ensure the health, safety, and constitutional protections of all participants in the judicial system, including jurors and potential jurors, litigants, witnesses, lawyers, judges, court personnel, and the public, after considering and inspecting the local court facilities and infrastructure.

The committees should generally consist of at least one representative from each of the following sources:

- Each class of court within the county that is authorized to conduct jury trials.
- The District Attorney and the Solicitor General, if applicable.
- The Circuit Public Defender or an experienced criminal defense attorney designated by the county's indigent defense coordinator.
- One or more attorneys designated by the local bar association, if one exists, or one or more attorneys who regularly handle jury trials in the county designated by the Chief Judge.
- The Sheriff.
- The clerk of each class of court that is authorized to conduct jury trials.
- One or more jury administration officials.

- Court administration official(s) of each class of court that is authorized to conduct jury trials.
- Court information technology (IT) officials.
- A designee of the local department of health or its equivalent.
- Any other person the Chief Judge deems helpful to the development of the plan.

Each local committee is also encouraged to include a representative of the local county commission in its discussions.

The local committee's plan shall include the following:

- Identification of facilities for jury assembly, voir dire, and jury trials, including the identification of rooms within the courthouse that are suitable for these functions and alternative locations where necessary.
- Development of written public health and safety guidelines consistent with public health guidance, including sanitization procedures, face-covering requirements, social distancing protocols, etc.
- Development of a notification procedure for alerting stakeholders when courthouse personnel or visitors to the courthouse have tested positive for COVID-19.
- Protection of constitutional and statutory rights for litigants, witnesses, victims, and observers.
- Notification to potential jurors, the public, and parties of public health precautions being taken by the court, including information on sanitization procedures, face-covering requirements, social distancing protocols, etc., and identification of the most effective means to ensure that information is provided.

The Chief Judge of each court that conducts jury trials will decide whether to fully adopt or amend the portions of the committee's recommended plan that are applicable to his or her court and will then incorporate a final jury trial plan into the court's written operating guidelines for in-person proceedings that have been developed pursuant to the statewide judicial emergency order as extended. Because of the

extensive preparations required to resume the jury trial process, the updated operating guidelines should be submitted to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> for posting as soon as possible and no later than October 10, 2020.

Guidance Issued September 10, 2020

This guidance is based on recommendations made by the Criminal Law Subcommittee of the Judicial COVID-19 Task Force.