

**Judicial Council of Georgia**  
**Emergency Session**

**By Remote Conferencing**

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

**Monday, October 5, 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 from Emergency Session on September 21, 2020**  
(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.    Zoom Conferencing

**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](http://www.georgiacourts.gov) (the Judicial Gateway) for the latest updates and information. Thank you and continue to be safe!*

**Judicial Council of Georgia  
Emergency Session  
Conference Call  
September 21, 2020 • 2 p.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 Melanie Cross  
Judge Walter W. Davis  
Judge Lori B. Duff  
Chief Judge T.J. Hudson  
Chief Judge Asha Jackson  
Ms. Dawn Jones  
Judge Lisa C. Jones  
Judge Quinn M. Kasper  
Chief Judge Christopher T. McFadden  
Judge Fletcher Sams  
Judge W. James Sizemore, Jr.  
Judge Wesley B. Taylor  
Judge Ralph Van Pelt, Jr.  
Judge C. Gregory Price  
Vice Chief Judge Brian K. Rickman  
Chief Judge Sarah Wall  
Chief Judge Willie C. Weaver, Sr.  
Judge Alvin T. Wong

Chief Judge Kelli L. Wolk

**Members Absent**

Judge Kerri Carter  
Judge Jeffrey H. Kight  
Judge J. Wade Padgett

**Staff Present**

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

**(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 Melton. He informed the Council that the meeting will be recorded, livestreamed, and open to the press and public. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance for the purpose of the minutes.

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

Chief Justice Melton reported the sixth extension for the Statewide Judicial Emergency was issued on Thursday, September 10, 2020. The order authorizes the reopening of grand jury proceedings on a discretionary basis. The order also establishes local committees for the development of guidelines for jury trials. He addressed Judge Sams' questions raised concerning the

grand jury guidelines, specifically may more than twelve jurors be summoned at one time to a large room, to maintain social distance. Chief Justice Melton stated the intentions of the grand jury guidelines were to establish best practices, and these may vary as long as public health guidelines are maintained. The Department of Public Health district contact list has been distributed, providing public health officials available for consultation in their districts. Chief Justice Melton advised the Council that any queries should emphasize medical and public health questions, not legal or policy questions. He mentioned the draft jury guidelines also have been circulated and recognized local committees were given approval to form before these guidelines had gone out. The Council was encouraged to review the draft jury guidelines and provide any feedback. Chief Justice Melton asked the Council if the guidelines have been reviewed and for any feedback. No discussion was offered.

Chief Justice Melton mentioned the continuing work on the question of virtual grand jury. The Task force has given some proposed recommendations and assessments, and the two primary statutory issues that need to be resolved are remote oaths administered to witnesses or the grand jurors and remote appearances by members of the grand jury. The Chief Justice stated a request was made to the Governor's Office to issue an Executive Order to suspend the application of any statutory provisions that could be read to impose the physical appearance for administering oaths or the requirements of a grand juror's physical appearance. The Executive Order was issued by the Governor at the Court's request on September 10, 2020. Chief Justice Melton said he feels that is sufficient to address these issues.

Chief Justice Melton noted the October order will reinforce an all-inclusive opening of grand juries, and will open jury trials while maintaining a hold on the statutory speedy trial provisions.

Chief Justice Melton recognized Judge LaGrúa, Chair of the Judicial COVID-19 Task Force, to provide an update. She re-emphasized the concerns the public health community has with being asked for legal advice. She encouraged the Council to be mindful with the types of questions asked, making sure they are consistent with medical advice. She reported the Task Force is currently working towards PSAs and is examining legislation that would assist with COVID-19 for the next legislative session.

### **Adoption of Minutes**

Chief Justice Melton directed the Council's attention to the minutes of the Emergency Session held on September 8, 2020. A motion to approve the minutes was offered by Presiding

Justice Nahmias with a second from Chief Judge Brasher. No discussion was offered, and the motion was approved without opposition.

### **Reports from Courts, Councils, State Bar, and AOC**

Supreme Court. Chief Justice Melton acknowledged Presiding Justice Nahmias for anything further regarding the Statewide Judicial Emergency Order. Presiding Justice Nahmias spoke further to the issue of whether more than twelve jurors can be summoned at a time if a larger room was used. He re-emphasized the importance of utilizing the public health guidance, and that it should be implemented within every aspect of the court's procedures. Presiding Justice Nahmias encouraged the Council to share feedback once plans have been implemented, as this will be helpful in sharing information throughout the court system.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. Chief Judge Amero reported his local committee meeting was successful and recognized the Task Force's approach for the organizational structure.

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. Judge Duff mentioned the Council's Strategic Plan meeting will be held via Zoom on Thursday, September 24 and Friday, September 25, 2020.

State Bar of Georgia. Ms. Dawn Jones reported the State Bar is fully functional and the next Board of Governors meeting is on October 24, 2020, via Zoom. Information concerning the upcoming Board of Governors meeting will be forthcoming.

Administrative Office of the Courts. Director Clanton reported the AOC is fully functional.

### **Reports from additional Judicial Branch Agencies**

Council of Accountability Court Judges. Judge Gosselin reported the Council's virtual conference was a success with 1,300 people in attendance. She mentioned each accountability court is required to submit their pandemic plan by September 30, 2020, and information concerning best practices will be available to the Council once accomplished.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission will begin accepting grant applications on September 28, 2020, until October 19, 2020, for programs or projects that promote legal professionalism. Any additional information can be found on their website [www. cjcpga.org/grants](http://www.cjcpga.org/grants).

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 Monday, September 28, 2020, and the next General Session is scheduled for December 11, 2020, via Zoom teleconference.

### **Adjournment**

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:21 p.m.

Respectfully submitted:

Tiffanie Robinson  
Executive Assistant, Judicial Council/AOC  
For Cynthia H. Clanton, Director and Secretary

*Signature on the next page*

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

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Harold D. Melton  
Chief Justice

**Judicial Council of Georgia  
Emergency Session  
Conference Call  
September 21, 2020 • 2 p.m.**

**Guest Present**

Chief Judge Berryl A. Anderson, Magistrate Court of DeKalb County  
Mr. Doug Ashworth, Institute of Continuing Judicial Education  
Mr. Tracy J. BeMent, Tenth Judicial Administrative District  
Judge R. Violet Bennett, State Court of Wayne County  
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission  
Mr. Bob Bray, Council of State Court Judges  
Mr. Richard Denney, First District Court Administrator  
Mr. Steve Ferrell, Ninth Judicial Administrative District  
Ms. Elizabeth Fite, State Bar of Georgia  
Judge Kathlene Gosselin, Northeastern Judicial Circuit  
Ms. Karlise Grier, Chief Justice's Commission on Professionalism  
Ms. Christine Hayes, State Bar of Georgia  
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. Taylor Jones, Council of Accountability Court Judges  
Ms. Anne Kirkhope, Council of Juvenile Court Judges  
Judge Shawn LaGrua, Superior Court of Fulton County  
Judge Robert Leonard, Superior Court of Cobb County  
Ms. Natasha MacDonald, Council of Superior Court Judges  
Ms. Cathy McCumber, Fourth Judicial Administrative District  
Ms. Robin McDonald, Fulton County Daily Report  
Chief Judge T. Russell McClelland, State Court of Forsyth County  
Mr. David Mixon, Second Judicial Administrative District  
Mr. Bob Nadekow, Eighth Judicial Administrative District  
Ms. Debra Nesbit, Association County Commissioners of Georgia  
Ms. Sharon Reiss, Council of Magistrate Court Judges  
Ms. Tina Robinson, Council of Superior Court Clerks  
Ms. Karlie Sahs, Georgia Commission on Dispute Resolution  
Chief Presiding Judge Juliette Scales, Atlanta Judicial Circuit  
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia  
Judge Nathan J. Wade, Municipal Court of Marietta  
Ms. Cindy Wang, Department of Juvenile Justice  
Mr. Shannon Weathers, Council of Superior Court Judges  
Ms. Emily Youngo, Council of Superior Court Judges



## SUPREME COURT OF GEORGIA

**JUDICIAL COUNCIL DRAFT**

October 10, 2020

### **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 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**

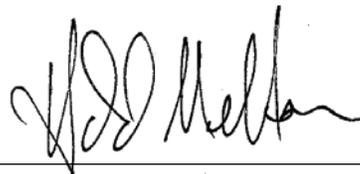
(A) Notice will be provided as to the expected termination of the Order as extended and modified at least one week in advance to allow courts to plan for the transition to fuller operations.

(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.



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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