



## **Judicial Council of Georgia**

### **Administrative Office of the Courts**

**Chief Justice Harold D. Melton**  
*Chair*

**Cynthia H. Clanton**  
*Director*

## **Judicial Emergency Order Guidance**

### **Last Updated March 6, 2020**

This summary is meant to provide guidance in issuing emergency judicial orders. A judicial emergency may be declared by the Chief Justice of the Supreme Court of Georgia or the chief judge of a Georgia superior court judicial circuit. O.C.G.A. § 38-3-60(1). A judicial emergency is defined as a state of emergency declared by the Governor, a public health emergency under O.C.G.A. 31-12-1.1, a local emergency under O.C.G.A. § 36-69-2, or another serious emergency when the emergency substantially endangers or infringers upon the normal functioning of the judicial system, including the ability of persons or litigants to have access to the court or meet time deadlines imposed by court order or rule, statute, or administrative rule or regulation. O.C.G.A. § 38-3-60(2).

The Chief Justice of the Supreme Court of Georgia or the chief judge of a Georgia superior court judicial circuit may declare a judicial emergency by court order. O.C.G.A. § 38-3-61. The order must include the identity of the issuing judge, the time, date, and place where the order is executed, the jurisdiction affected by the order, the nature of the emergency, the duration of the judicial emergency, and any other relevant information. O.C.G.A. § 38-3-61(a). The order may not be for more than 30 days, however the order may be extended for no more than two periods not exceeding 30 days each unless a public health emergency exists under O.C.G.A. § 38-3-51. O.C.G.A. § 38-3-61(b). Should a public health emergency exist under O.C.G.A. § 38-3-51, the Chief Justice of the Supreme Court of Georgia may extend the emergency order for so long as the emergency exists, as declared by the Governor. O.C.G.A. § 38-3-61(b).

If the judicial emergency makes access to the clerk of court or courthouse impractical or impossible, the order may designate another facility to transact court business. O.C.G.A. § 38-3-61(c). The judicial emergency order may suspend, toll, extend, or grant relief from deadlines, time schedules, filing requirements or otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters. O.C.G.A. § 38-3-62. The exact length of time a deadline will be extended by a judicial emergency should be kept in mind. *See* Smith v. Smith, 829 S.E.2d 886 (Ga. Ct. App. 2019).

Upon issuing the order declaring or modifying a judicial emergency, the issuing judge shall immediately notify the Chief Justice of the Supreme Court of Georgia, notify and serve, through reasonable means, a copy of the order on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court and the judges and clerks of all courts within the jurisdictions affected. O.C.G.A. § 38-3-63. In addition, the issuing judge shall give notice of the issuance of the order or

modification to the affected parties, counsel for the affected parties, and the public. O.C.G.A. § 38-3-63. Notice shall be provided by whatever means are reasonably calculated to reach affected parties including mailing, publication in a newspaper, posting of notices at courthouses and other public sites, transmittal by facsimile or e-mail, and announcements on television, radio, and public address systems. O.C.G.A. § 38-3-63.